

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : JAKOBY et al.
International Application No. : PCT/DE02/03564
International Filing Date : September 23, 2002
U.S. Serial No. : 10/501,294
For : **DEVICE FOR MEASURING FILL LEVELS**

Mail Stop PCT (Missing Parts)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUBMISSION OF DECLARATION AND POWER OF ATTORNEY

S I R :

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed October 7, 2004, Applicants submit herewith a fully executed Declaration, in order to complete the filing requirements for the U.S. national phase of the above-identified PCT application. The application filed in the Patent Office is the application which the inventors executed by signing the Declaration and Power of Attorney.

The Office is authorized to charge the \$130.00 fee to cover the surcharge for late filing of the Declaration.

The Office is also hereby authorized to charge Deposit Account No. 11-0600 with any additional fees required by this paper or credit any overpayment. An additional copy of this letter is enclosed for this purpose.

11/19/2004 KXAYP28X 00000036 110500 10501234

01 FC:1617 130.00 DA

Date: 11/16/04

Respectfully submitted,
KENYON & KENYON

BY: *[Signature]*
R312635952

Richard L. Mayer, Reg. No. 22,490

One Broadway
New York, NY 10004
Tel: (212) 425-7200
Fax: (212) 425-5288

Express Mail No. EV803886524US



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

| | | |
|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/501,294 | Bernhard Jakoby | 10191/3822 |

| | |
|-------------------------------|---------------|
| INTERNATIONAL APPLICATION NO. | |
| PCT/DE02/03564 | |
| I.A. FILING DATE | PRIORITY DATE |
| 09/23/2002 | 01/18/2002 |

26646
 KENYON & KENYON
 ONE BROADWAY
 NEW YORK, NY 10004

CONFIRMATION NO. 7835
 371 FORMALITIES LETTER



OC000000014019703

Date Mailed: 10/07/2004

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 07/12/2004
- Copy of the International Search Report filed on 07/12/2004
- Preliminary Amendments filed on 07/12/2004
- Information Disclosure Statements filed on 07/12/2004
- Oath or Declaration filed on 07/12/2004
- Request for Immediate Examination filed on 07/12/2004
- U.S. Basic National Fees filed on 07/12/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- **\$130** Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

LAMONT M HUNTER

Telephone: (703) 305-3686

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/501,294 | PCT/DE02/03564 | 10191/3822 |

FORM PCT/DO/EO/905 (371 Formalities Notice)